

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IKIGAI MARKETING WORKS LLC,  
a Nevada limited liability company,

*Plaintiff,*

vs.

LOUIS BROFSKY, an individual,

*Defendant.*

24-cv-7864 (AR)

**NOTICE OF MOTION TO  
PRESERVE TIMELY JOINDER  
AND CONDITIONALLY AND  
DEFENSIVELY ASSERT  
RELATED CLAIMS UNDER  
RULES 13(h) AND 20(a)(2)**

PLEASE TAKE NOTICE that upon the accompanying Declaration of Scott A. Lucas, the attached [Proposed] Counterclaims, and all prior proceedings in this action, Defendant Louis Brofsky, by and through his undersigned counsel, will move this Court, at a date and time to be set by the Court, for an order:

1. Recognizing that the accompanying Counterclaims, including claims asserted against Pooph Inc. and Jane Pak, are being submitted defensively and conditionally under Federal Rules of Civil Procedure 13(h) and 20(a)(2), solely to preserve Defendant's rights under the current March 28, 2025 Case Management Plan deadline for joinder and amendment;
2. Clarifying that this submission does not waive Defendant's ability to seek leave to file a more formal amended pleading and join additional parties, and that no ruling on the propriety of such joinder is being requested or made at this time; and

3. Tolling any service-of-process deadline under Federal Rule of Civil Procedure 4(m) with respect to newly named parties Pooph Inc. and Jane Pak, pending further order of the Court or resolution of any motion for leave to amend and join.

Defendant requests such other and further relief as the Court deems just and proper.

Dated: March 28, 2025

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The motion is DENIED as premature. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 48.

SO ORDERED.



Arun Subramanian, U.S.D.J.  
Date: April 3, 2025